

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS (BOSTON)**

DENNIS DIMON)	
Plaintiff)	
)	
v.)	Civil Action No. 05-11073-MEL
)	
MICHAEL B. LATTI, LATTI)	
ASSOCIATES, LATTI & ANDERSON)	
LLP, METROPOLITAN LIFE)	
INSURANCE COMPANY, KEMPER)	
INSURANCE COMPANY, and)	
MORGAN STANLEY DW, INC.,)	
Defendants)	
)	

**MOTION FOR SUMMARY JUDGMENT
OF DEFENDANT KEMPER INSURANCE COMPANY**

Defendant Kemper Insurance Company (“Kemper”), by and through its undersigned attorneys, and pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, hereby moves for an order entering summary judgment in its favor and against Plaintiff Dennis Dimon on Count XII (“Breach of Contract”) and Count XIII (“Negligent Misrepresentation”) of Plaintiff’s Complaint.

Kemper seeks summary judgment because the pleadings, deposition testimony and exhibits filed in support of this motion demonstrate that there are no genuine issues of material fact and that Kemper is entitled to judgment as a matter of law. More specifically, both Count XII and Count XIII of Plaintiff’s Complaint are barred by the applicable statutes of limitations. Additionally, and in any event, Plaintiff cannot establish the requisite elements of his purported claims against Kemper.

In further support of its motion, Kemper incorporates herein by reference the accompanying Memorandum of Law.

WHEREFORE, Kemper respectfully requests that the Court grant its motion for summary judgment and dismiss Counts XII and XIII of Plaintiff's Complaint with prejudice.

Respectfully submitted,

KEMPER INSURANCE COMPANY

by its, attorneys,

/s/ Kevin L. Golden

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Dated: January 2, 2007

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Defendants)
_____)

ORDER

AND NOW, this _____ day of _____, 2006, upon consideration of Defendant, Kemper Insurance Company's motion for summary judgment pursuant to Rule 56(b) of the Federal Rules of Civil Procedure, and any opposition thereto, it is hereby ORDERED that the motion is GRANTED, and it is hereby ORDERED that Counts XII and XIII of Dennis Dimon's Complaint are DISMISSED WITH PREJUDICE.

Morris E. Lasker, U.S.D.J.

Certification of Service

I hereby certify that a true and accurate copy of the foregoing document was filed via the ECF system and will be served electronically through that system upon Counsel of Record on January 2, 2007.

/s/ Kevin L. Golden

Kevin L. Golden